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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,368	11/08/1999	KENNETH C. CRATER	109087-0002P	6513
23569	7590	04/26/2006	EXAMINER	
SQUARE D COMPANY LEGAL DEPARTMENT - I.P. GROUP 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/436,368

Applicant(s)

CRATER ET AL.

Examiner

Viet Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 56-69 and 126-128 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 56-69, 126-128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**Art Rejections:**

1. The text of 35 U.S.C. 103(a) cited in the previous office action is hereby incorporated by reference.

2. The rejection of claims 56-69 under 35 U.S.C. 103(a) as being unpatentable over Wolff (6,209,048) in view of Gosling (6,618,754), mailed 12/12/2005, is hereby incorporated by reference.

3. The rejection of claims 126-128 under 35 U.S.C. 103(a) as being unpatentable over Wolff (6,209,048) in view of Gosling (6,618,754) and Smith (6,002,340), mailed 12/12/2005, is hereby incorporated by reference.

**Allowable Subject Matter:**

4. Claims 1-17 are allowed over prior art of record.

**Response to Amendment:**

5. Applicant's arguments filed on 3/13/2006 with respect to claims 56-69 and 126-128 have been fully considered but are not deemed persuasive.

Per claim 56, applicant alleges that Wolff fails to teach performing periodical retrieval of update data by the

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instructions in the embedded program. Applicant asserts that in Wolff any periodical data retrieval would be done at user's discretion.

The examiner is unable to find the alleged limitation in the claim. For instance, claim 56 only requires that the embedded program to be executed periodically on the computer. The claim does not specifically exclude the execution of the program that is initiated by the user. Moreover, with regard to the "autonomous" requirement, Wolff teaches executing the data retrieval step and displaying the retrieved data autonomously without further user's interactions or instructions (see col 2, lines 59-67). Thus, the examiner submits that Wolff's teachings meet the claim limitations.

Per claims 67-69, applicant alleges that Wolff fails to teach a program that causes the controller to periodically retrieve the data.

Again, the examiner is unable to find the alleged limitation in the claims. Claims 67 and 68, for example, state that "an executable program that when executed on the monitoring computer will cause the monitoring computer to periodically retrieve the data". The underlined limitation would be read to provide that the program/code to be executed/called periodically (on-demand or at user's discretion) to retrieve the update data.

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Therefore, it is submitted that Wolff's teachings of on-demand periodical data retrieval still read on the present claims.

Per claims 126-128, the applicant alleges that Wolff fails to teach the ability to change data stored in the memory of the controller/peripheral using web page.

The examiner disagrees. Wolff clearly teaches allowing the users to modify/change operational parameters stored in the memory of the peripheral by entering information in the web page (see col 9, lines 1-11).

**Conclusion:**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

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4/20/06